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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,621	01/30/2001	Heino Wendelrup	29206-00029	3018
7590	01/21/2005			EXAMINER RAMPURIA, SHARAD K
Gerald T. Welch Jenkens & Gilchrist, P.C. 3200 Fountain Place 1445 Ross Avenue Dallas, TX 75202-2799			ART UNIT 2683	PAPER NUMBER
DATE MAILED: 01/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/772,621	WENDELRUP, HEINO	
	Examiner Sharad Rampuria	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 October 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

6) Other: \_\_\_\_\_

***Response to Amendment***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marui et al. in view of Courtis et al.

1. Regarding claim 1, Marui disclosed An electronic device (300; fig.1; col.2; 38-48) comprising:

control means for providing the device with a plurality of selectable operating modes, the operating modes defining respective sets of operating parameters for functions of the device; (col.13; 18-44)

wherein each operating mode of the device has an associated library of stored voice signals for use by the voice detection means when the operating mode concerned is selected. (col.13; 18-44)

voice detection means for receiving an input voice signal and for providing voice activation of at least one function of the device, the voice detection means being operable to compare an input voice signal with a library of stored voice signals and to output a control signal on the basis of that comparison, (col.2; 38-48 & col.13; 18-44)

Marui fails to disclose the stored voice signals are stored by at least one user of the device. However, Courtis teaches in an analogous art, that wherein the stored voice signals are stored by at least one user of the device. (input by a user...microphone; Col.2; 25-38, col.4; 17-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the stored voice signals are stored by at least one user of the device in order to provide voice-activation of the telephone numbers previously stored by the user.

2. Regarding claim 2, Marui disclosed An electronic device (300; fig.1; col.2; 38-48) having a plurality of user selectable operating modes, each operating mode defining a set of operating parameters for the device, (col.13; 18-44) and

wherein the reference voice signals are stored in groups, each of which relates to a specific operating mode of the device. (col.13; 18-44)

voice detection means for receiving an input voice signal and for providing voice activation of at least one function of the device, the voice detection means being operable to compare an input voice signal with a library of stored voice signals and to output a control signal on the basis of that comparison, (col.2; 38-48 & col.13; 18-44)

Marui fails to disclose reference voice signals are stored in the device by at least one user of the device. However, Courtis teaches in an analogous art, that wherein reference voice signals

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are stored in the device by at least one user of the device. (input by a user...microphone; Col.2; 25-38, col.4; 17-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include reference voice signals are stored in the device by at least one user of the device in order to provide voice-activation of the telephone numbers previously stored by the user.

3. Regarding claim 3, Marui disclosed A device as claimed in claim 1 or 2, being a mobile telephone and having a voice activated dialing function for dialing called numbers in response to a voice input from a user, the groups of reference voice signals including references to intended called numbers. (col.2; 38-48 & col.13; 18-44).

4. Regarding claim 4, Marui disclosed all the particulars of the claim except the reference voice signals relate to specific functions of the telephone. However, Courtis teaches in an analogous art, that A device as claimed in claim 1 or 2, being a mobile telephone, and wherein the reference voice signals relate to specific functions of the telephone. (user may choose...last voice tag; Col.6; 16-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the reference voice signals relate to specific functions of the telephone in order to provide reorganizations of spoken commands over a cellular telephone.

5. Regarding claim 5, Marui disclosed all the particulars of the claim except at least one operating mode is defined by at least one user of the telephone, the reference signal group associated with that operating mode also being defined by the user. However, Courtis teaches in

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an analogous art, that A device as claimed in claim 1 or 2, being a mobile telephone, wherein at least one operating mode is defined by at least one user of the telephone, the reference signal group associated with that operating mode also being defined by the user. (input by a user...microphone; Col.2; 25-38, col.4; 17-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include at least one operating mode is defined by at least one user of the telephone, the reference signal group associated with that operating mode also being defined by the user in order to provide voice-activation of the telephone numbers previously stored by the user to suit the user's preferences based on the user's operational profiles.

6. Regarding claim 6, Marui disclosed A method of operating an electronic device (300; fig.1; col.2; 38-48) which has a plurality of operating modes for defining operating parameters of the device, and which has at least one voice activated function, (col.13; 18-44) the method comprising:

storing reference voice signals in groups; (bank; col.13; 18-44)  
using an associated group of reference signals for voice signal matching in a chosen operating mode, (col.13; 18-44)

Marui fails to disclose the reference voice signals are stored by at least one user of the device. However, Courtis teaches in an analogous art, that associating the said groups with respective operating modes of the device. (input by a user...microphone; Col.2; 25-38, col.4; 17-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the reference voice signals are stored by at least one user of the device in

order to provide voice-activation of the telephone numbers previously stored by the user to suit the user's preferences based on the user's operational profiles.

7. Regarding claim 7, Marui disclosed A method as claimed in claim 6, wherein the device is a mobile telephone. (100; fig.1; col.2; 31-37)

8. Regarding claim 8, Marui disclosed all the particulars of the claim except each operating mode defines a respective list of voice references to potential dialed numbers. However, Courtis teaches in an analogous art, that A method as claimed in claim 7, wherein each operating mode defines a respective list of voice references to potential dialed numbers, the voice references being compared with an input voice signal to determine the number to be dialed by the telephone. (previously stored in memory; Col.5; 7-16) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include each operating mode defines a respective list of voice references to potential dialed numbers of the telephone in order to provide voice-activation of the telephone numbers previously stored by the user to suit the user's preferences based on the user's operational profiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu.(8-5:30) alternate Fri.( 8-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
January 11, 2005



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